

SECTION: CERTIFICATION

SUBJECT: Ineligibility and Disqualification

ITEM: *Notices of Action*



Policy A local agency shall provide each applicant, or parent, guardian, or caretaker of an applicant with a Notice of Action Affecting WIC Program Applicants (DHS 4134) at the time of a determination of ineligibility as described in WPM 280-10.

A local agency shall provide each participant, or parent, guardian, or caretaker of a participant with a Notice of Action Affecting WIC Program Participation (DHS 4304) at the time of a determination of disqualification, as described in WPM 280-20.

Authority for policy 7CFR 246.7 (h)&(j)
Title 22CR 40679, 40681, 40703(c)&(e), and 40813

Purpose of the DHS 4134 This form serves to inform the applicant of the reason why he/she is not eligible for program benefits, the date of the determination, and the right to request a fair hearing. The local agency must provide the **Notice of Action Affecting WIC Program Applicants** to each applicant, or parent, guardian, or caretaker of an applicant, who is found ineligible at an initial certification (enrollment) appointment, (as described in WPM 280-10). The local agency must complete all applicable information on the form. The date of the determination is the date of the certification (enrollment) appointment.

Note: Effective with this policy revision the WIC Participant Information Sheet (WPIS) will no longer be required when using the new Notices of Action, dated July 2002.

Purpose of the DHS 4304 This form serves to inform the participant of the reason why he/she is no longer eligible for program benefits, the date of the determination, the effective date of the disqualification, and the right to request a fair hearing. The local agency must provide the **Notice of Action Affecting WIC Program Participation** to each participant, or parent, guardian, or caretaker of a participant, who is disqualified from continued participation in the program at a recertification appointment or in mid-certification period (as described in WPM 280.20). The

Purpose of the DHS 4304 local agency must complete all applicable information on the form. The date of the determination is the date the notice is mailed or given to the participant.

(Continued) **Note:** Effective with this policy revision the WPIS will no longer be required when using the new Notices of Action, dated July 2002.

Filling and Retention A copy of each Notice of Action issued by the local agency must be available for audit and easily retrievable in the event of a fair hearing. Therefore, each local agency must file the no carbon required (NCR) copy of issued DHS 4134 forms in one file, and issued DHS 4304 forms in another, file separate from the daily file. The local agency may choose to file any associated paperwork (referrals and nutrition questionnaires for pregnant/postpartum breastfeeding women, pediatric referrals and infant/child nutrition questionnaires) with either the Notice of Action forms or the daily file.

WIC program records must be retained for three years, or until all issues (related to any litigation, claim, negotiation, audit, or other action) are resolved, whichever is later.

Availability The DHS 4304 and 4134 forms are available from the Department of General Services, Office of State Publishing, WIC Program Fulfillment Services, Attention: Customer Service, 344 North 7th Street, Sacramento, CA 95814-0212. Or, an order may be faxed to Department of General Services, Office of State Publishing, WIC Fulfillment Services, Customer Service Support at (916) 445-9134. Orders can be followed up by voice at 1-800-585-7341.
